

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-2(c)	
Robertson, Anschutz, Schneid, Crane & Partners, PLLC 130 Clinton Road, Lobby B, Suite 202 Fairfield, NJ 07004 Telephone: 973-575-0707 Facsimile: 973-404-8886 Attorneys For Secured Creditor	
In Re: Warren P. Green, Debtor.	Case No.: 22-19197-JKS Chapter: 13 Hearing Date: June 13, 2023 Judge: John K. Sherwood

LIMITED RESPONSE TO DEBTOR'S MOTION TO SELL PROPERTY FREE AND CLEAR OF LIENS UNDER SECTION 363(F)

U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST ("Secured Creditor"), by and through undersigned counsel, hereby files its Limited Response to Debtor's Motion to Sell Property Free and Clear of Liens under Section 363(f) ("Motion") (DE#42), and in support thereof states as follows:

1. Warren P. Green ("Debtor") filed the instant Voluntary Petition pursuant to Chapter 13 of the United States Bankruptcy Code on November 18, 2022 (the "Petition Date").
2. Secured Creditor holds a security interest in the Debtors' real property located at 501 Martense Ave., Teaneck, NJ 07666 ("Subject Property") by virtue of a Mortgage recorded on March 1, 2004 in Book 13337 at Page 520 of the Public Records of Bergen County, New Jersey.
3. On January 23, 2023, Secured Creditor timely filed its Proof of Claim (*See* Claim No. 2-1). The Proof of Claim reflects that as of the Petition Date, Secured Creditor held a secured claim in the amount of \$422,952.32, with pre-petition arrears in the amount of \$101,332.37.
4. On June 6, 2023, the Debtor filed the instant Motion to Sell Property Free and Clear of

Liens under Section 363(f) (the "Motion"). The Debtor's Motion seeks the Court's approval to sell the Subject Property for a proposed sale price of \$560,000.00 (the "Proposed Sale Price").

5. As of June 8, 2023, the estimated payoff owed on Secured Creditor's lien is \$431,913.63. This amount should not be relied upon as a final pay-off of the loan, as interest and additional advances may come due prior to the anticipated closing date. Upon request, Secured Creditor shall provide an updated formal payoff quote at or near the scheduled closing date.
6. Secured Creditor does not object to the Debtor's Motion to the extent that any sale is subject to Secured Creditor's lien being paid in full at the closing of said sale based upon an up-to-date payoff quote.
7. Secured Creditor is filing this Response in an abundance of caution, as Secured Creditor wants it to be clear that it should not be compelled to participate in a sale of the Subject Property absent payment in full of Secured Creditor's mortgage lien, without being given the right to credit bid pursuant to 11 U.S.C. § 363(k).
8. Furthermore, Secured Creditor requests that failure to complete any sale within ninety (90) days of entry of the Order will result in any Order authorizing the sale to be deemed moot.
9. Secured Creditor reserves the right to supplement this Response at or prior to any hearing on this matter.

WHEREFORE, Secured Creditor respectfully requests the Motion be conditionally granted; and any Order granting the Motion include the terms identified herein; and for such further and other relief as the Court deems just and proper.

Dated: June 9, 2023

**Robertson, Anschutz, Schneider,
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In Re: Warren P. Green, Debtor.	Case No.: 22-19197-JKS Chapter: 13 Hearing Date: June 13, 2023 Judge: John K. Sherwood

CERTIFICATION OF SERVICE

1. I, Kenneth J. Borger, Esq., represent U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST in this matter.
2. On June 9, 2023, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below. *Limited Response to Debtor's Motion to Sell Property Free and Clear of Liens under Section 363(f); Certification of Service.*
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: June 9, 2023

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Attorneys for Secured Creditor

By: /s/ Kenneth J. Borger. Esq.
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<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Barry Scott Miller Barry S. Miller, Esq. 1211 Liberty Avenue Hillside, NJ 07205	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Warren P. Green 501 Martense Ave. Teaneck, NJ 07666	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004-1550	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)